



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,773	02/12/2004	Kenneth Roger Jones	1033-MS1003	2945

84326 7590 08/28/2009
AT & T LEGAL DEPARTMENT - Toler
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINISTER, NJ 07921

EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
----------	--------------

2416

MAIL DATE	DELIVERY MODE
-----------	---------------

08/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,773	Applicant(s) JONES ET AL.	
	Examiner TOAN D. NGUYEN	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues with respect to claim 14 on page 7, second paragraph that Godse fails to disclose or suggest "wherein the digital subscriber line router terminates the network connection to the remote network over the digital subscriber line after detecting an absence of any network capable devices connected to the DSL router via the local network". The examiner disagrees. Godse clearly teaches at col. 6, lines 2-6 in the following passage: "Typical events that result in the termination of a connection include the customer turning off the ATU-R 102 (PC or modem)(wherein the digital subscriber line router (modem/router turning off means) terminates the network connection to the remote network over the digital subscriber line after detecting an absence of any network capable devices (PC turning off means) connected to the DSL router via the local network means), the service provider rebooting the DSLAM, the failure of the network connection."

The applicant argues with respect to claim 21 on page 8, second paragraph that Godse fails to disclose or suggest "wherein the DSL modem is further configured to terminate a connection to the remote network when no network capable device is connected to the DSL router on the local network". The examiner disagrees. The examiner refers to the same response with respect to claim 14 above.

Art Unit: 2416

The applicant argues with respect to claim 17 on page 8, fourth paragraph that Roh do not disclose making a network connection over a digital subscriber line after a lease has been assigned to a network capable device, because in Roh, a network connection to a DSL line must be made before a lease is assigned to a network capable device. The examiner disagrees. Roh clearly teaches at col. 4, line 66 to col. 5, line 1 in the passage: "When an organization sets up its computer users with a connection to the Internet, an IP address must be assigned to each machine (a network connection to a DSL line must be made after a lease (IP address means) is assigned means)."

The applicant argues with respect to claim 18 on page 9, second paragraph that Roh disclose that the DHCP server terminates the PPP-session but fail to disclose or suggest that the DSL router terminates the network connection. The examiner disagrees. Roh disclose that the DHCP server 52 terminates the PPP-session, and the DHCP server 52 is an element of the DSL router 50 (see figure 3). Therefore, the DSL router terminates the network connection.

The applicant argues with respect to claim 1 on page 10, first paragraph that Godse fail to disclose or suggest "disconnecting the network connection over the DSL line to the remote network after detecting an absence of one or more powered-on network capable devices of the at least one network capable device connected to the DSL modem on the local network". The examiner disagrees. The examiner refers to the same response with respect to claim 14 above.

The applicant argues with respect to claim 15 on page 10, fourth paragraph that Godse and Ortega fail to disclose or suggest claim 13, which claim 15 depends, hence,

Art Unit: 2416

claim 15 is allowable. The examiner disagrees. Independent claim 13 is rejected.

Therefore, dependent claim 15 is also rejected.

The applicant argues with respect to claims 2-4 on page 11, third paragraph that Godse and Roh fail to disclose or suggest claim 1, from which claims 2-4 depend, hence, claims 2-4 are allowable. The examiner disagrees. Claim 1 is rejected.

Therefore, dependent claims 2-4 are also rejected.

The applicant argues with respect to claim 22 on page 11, fourth paragraph that Godse and Roh fail to disclose or suggest claim 19, from which claim 22 depends, and hence. Claim 22 is allowable. The examiner disagrees. Claim 19 is rejected. Therefore, claim 22 is also rejected.

Claim Rejections - 35 USC § 112

2. Claims 19-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 19, line 6, the limitation “a DSL modem” was claimed as an element of the DSL router. No support for this feature could be found in the original specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2416

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth (US 7,032,012).

For claim 17, Roth discloses PPPOA spoofing in point-to-point protocol over ATM using an XDSL modem, comprising:

a DSL router (figure 4, reference 50 ADSL Modem) including lease assignment logic (figure 3, reference 52 DHCP Server, col. 4, lines 62-65) to dynamically assign a lease to a network capable device (figure 4, reference 10 Client PC) to permit subsequent connection to a remote network (figure 4, reference 40 NAS)(col. 4, line 66 to col. 5, line 1, and col. 6, lines 31-45); and

a digital subscriber line between the DSL router (figure 4, reference 50 ADSL Modem) and the remote network (figure 4, reference 40 NAS), wherein a network connection is made over the digital subscriber line after the lease assignment logic has assigned a lease (col. 6, lines 42-45) to the network capable device (col. 9, lines 44-47).

For claim 18, Roth discloses wherein the digital subscriber line router (figure 4, reference 50 ADSL Modem) determines that the dynamically assigned lease has expired and terminates the network connection over the digital subscriber line after detecting that the lease has expired (col. 5, lines 49-54).

Claim Rejections - 35 USC § 103

Art Unit: 2416

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godse et al. (US 7,127,049) in view of Ortega et al. (US 6,711,162).

For claim 1, Godse et al. disclose system and method for enhancing the activation of DSL service comprising:

detecting the presence of a powered-on network capable device (col. 5, lines 4-7) that is connected to a DSL modem (figure 2, references 102 and 104) on a local network (figure 3, reference steps 302 and 304, col. 7, lines 56-59);

establishing a network connection over a DSL line to a remote network (figure 2, reference 108) after detecting the presence of the network capable device that is connected to the DSL modem on the local network (col. 7, lines 59-62); and

Art Unit: 2416

disconnecting the network connection over the DSL line to the remote network after detecting an absence of one or more powered-on network capable devices of the at least one network capable device connected to the DSL modem on the local network (col. 6, lines 2-4).

However, Godse et al. do not expressly disclose releasing network resources supported by the remote network after the network connection is disconnected. In an analogous art, Ortega et al. disclose releasing network resources supported by the remote network after the network connection is disconnected (col. 11, lines 36-37).

One skilled in the art would have recognized the releasing network resources supported by the remote network after the network connection is disconnected, and would have applied Ortega et al.'s PPP termination request message 234 in Godse et al.'s DSL service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Ortega et al.'s method and apparatus for providing proxy service, route selection, and protocol conversion for service endpoints within data networks in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being to terminate a connection to a service endpoint (col. 11, line 26).

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godse et al. (US 7,127,049) in view of Ortega et al. (US 6,711,162) further in view of Roth (US 7,032,012).

For claims 2-4, Godse et al. in view of Ortega et al. do not expressly disclose assigning a dynamic lease to the network capable device. In an analogous art, Roth

Art Unit: 2416

discloses assigning a dynamic lease to the network capable device (figure 3, reference 52 DHCP Server, col. 6, lines 42-44).

Roth discloses further comprising determining when the dynamic lease expires (col. 9, line 52 as set forth in claim 3); further comprising terminating the network connection over the DSL line after detecting that the lease has expired (col. 5, lines 49-54 as set forth in claim 4); and further comprising a dynamic lease assignment module (figure 3, reference 52 DHCP Server, col. 6, lines 42-44).

One skilled in the art would have recognized the assigning a dynamic lease to the network capable device, and would have applied Roth's DHCP Server 52 in Godse et al.'s DSL service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Roth's PPPOA spoofing in point-to-point protocol over ATM using an XDSL modem in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being to provide a communications protocol that lets network administrators manage centrally and automate the assignment of Internet protocol (IP) addresses in an organization's network (col. 4, lines 62-65).

9. Claims 13-14, 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godse et al. (US 7,127,049) in view of Starr (US 6,470,059).

For claim 13, Godse et al. disclose system and method for enhancing the activation of DSL service, comprising:

a digital subscriber line router (figure 2, reference 104) detect the presence of a powered-on network capable device (figure 2, reference 102, col. 5, lines 4-7) that is

Art Unit: 2416

connected to the DSL router via a local network (figure 3, reference steps 302 and 304, col. 7, lines 56-59);

a digital subscriber line between the DSL router (figure 2, reference 104) and remote network (figure 2, reference 108)(figure 2, reference 208, col. 4, lines 1-4), wherein a network connection is made over the digital subscriber line to the remote network (figure 2, reference 108) after detects the presence of the network capable device that is connected to the DSL router via the local network (col. 7, lines 59-62).

However, Godse et al. do not expressly disclose a digital subscriber line router including detection logic. In an analogous art, Starr discloses a digital subscriber line router (col. 3, lines 51-55 and col. 6, lines 2-4) including detection logic (figure 1, reference 40, col. 4, lines 52-63).

One skilled in the art would have recognized the digital subscriber line router including detection logic, and would have applied Starr's digital subscriber line router 36 in Godse et al.'s digital subscriber line router 104. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Starr's automatic filter for asymmetric digital subscriber line system in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being indicated a start-up failure if the modem does not detect satisfactory received signals within a predetermined time after application of input power, and in such case, the filter would be engaged, and the modem would attempt start-up again (col. 4, lines 59-63).

For claim 14, Godse et al. disclose wherein the digital subscriber line router terminates the network connection to the remote network over the digital subscriber line

Art Unit: 2416

after detecting an absence of any network capable devices connected to the DSL router via the local network (col. 6, lines 2-4).

For claim 16, Godse et al. disclose wherein the network connection is a point to point over Ethernet connection (col. 6, line 12).

For claim 19, Godse et al. disclose system and method for enhancing the activation of DSL service comprising:

the DSL router (figure 2, reference 104), wherein the DSL router is configured to determine whether a powered-on network capable device (figure 2, reference 102, col. 5, lines 4-7) is connected to the DSL router (figure 2, reference 104) on a local network (figure 3, reference steps 302 and 304, col. 7, lines 56-59);

a DSL modem, wherein the DSL modem is configured to initiate a connection to a remote network (figure 2, reference 108)(col. 7, lines 59-62) when the DSL router determines that at least one powered-on network capable device (figure 2, reference 102) is connected to the DSL router on the local network (figure 3, reference steps 302 and 304, col. 7, lines 56-59).

However, Godse et al. do not expressly disclose a network capable device detection module in a housing of the DSL router. In an analogous art, Starr discloses a network capable device (col. 3, lines 51-55 and col. 6, lines 2-4) detection module in a housing of the DSL router (figure 1, reference 40, col. 4, lines 52-63).

One skilled in the art would have recognized the network capable device detection module in a housing of the DSL router, and would have applied Starr's digital subscriber line router 36 in Godse et al.'s digital subscriber line router 104. Therefore, it

Art Unit: 2416

would have been obvious to one of ordinary skill in the art at the time of the invention, to use Starr's automatic filter for asymmetric digital subscriber line system in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being indicated a start-up failure if the modem does not detect satisfactory received signals within a predetermined time after application of input power, and in such case, the filter would be engaged, and the modem would attempt start-up again (col. 4, lines 59-63).

For claim 20, Godse et al. disclose wherein the network capable device detection module is further configured to detect an absence of a network capable device connected to the DSL router on the local network (col. 6, line 4).

For claim 21, Godse et al. disclose wherein the DSL modem is further configured to terminate a connection to the remote network when no network capable device is connected to the DSL router on the local network (col. 6, lines 2-4).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godse et al. (US 7,127,049) in view of Starr (US 6,470,059) further in view of Ortega et al. (US 6,711,162).

For claim 15, Godse et al. in view of Starr do not expressly disclose wherein the digital subscriber line router initiates release of network resources supported by a digital subscriber line network connection after the network connection has been terminated. In an analogous art, Ortega et al. disclose wherein the digital subscriber line router initiates release of network resources supported by a digital subscriber line network connection after the network connection has been terminated (col. 11, lines 36-37).

Art Unit: 2416

One skilled in the art would have recognized the wherein the digital subscriber line router initiates release of network resources supported by a digital subscriber line network connection after the network connection has been terminated, and would have applied Ortega et al.'s PPP termination request message 234 in Godse et al.'s DSL service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Ortega et al.'s method and apparatus for providing proxy service, route selection, and protocol conversion for service endpoints within data networks in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being to release the resources associated with the logical connection (col. 11, lines 36-37).

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godse et al. (US 7,127,049) in view of Starr (US 6,470,059) further in view of Roth (US 7,032,012).

For claim 22, Godse et al. in view of Starr do not expressly disclose wherein the DSL modem is further configured to terminate a connection to the remote network after an assigned dynamic lease has expired. In an analogous art, Roth discloses wherein the DSL modem is further configured to terminate a connection to the remote network after an assigned dynamic lease has expired (col. 5, lines 49-54).

One skilled in the art would have recognized the wherein the DSL modem is further configured to terminate a connection to the remote network after an assigned dynamic lease has expired, and would have applied Roth's DHCP Server 52 in Godse et al.'s DSL service. Therefore, it would have been obvious to one of ordinary skill in the

Art Unit: 2416

art at the time of the invention, to use Roth's PPPOA spoofing in point-to-point protocol over ATM using an XDSL modem in Godse et al.'s system and method for enhancing the activation of DSL service with the motivation being terminate the PPP-session connected to the client PC 10 and withdraws the global IP address from the client PC 10 (col. 5, lines 51-54).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN D. NGUYEN whose telephone number is (571)272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2416

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D. N./

Examiner, Art Unit 2416

/William Trost/

Supervisory Patent Examiner, Art Unit 2416